APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,773	10/04/2004	David S. Bonalle	70655.0700	5772

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SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 850040001

EXAMINER
NGUYEN, NAM V

ART UNIT	PAPER NUMBER
2635	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/711,773	BONALLE ET AL.
	Examiner	Art Unit
	Nam V. Nguyen	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _14 December 2004_.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-7,9-11 and 13_ is/are rejected.

7) ☒ Claim(s) _8,12 and 14_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _04 October 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _10/4;10/8;4/29;5/2_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

The application of Bonalle et al. for a "systems and methods for providing a RF transaction device for use in a private label transaction" filed October 04, 2004 has been examined.

This application is a CIP of application number 10/192,488 filed July 09, 2002, which claims benefit of 60/304,216 filed July 10, 2001.

This application is a CIP of application number 10/340,352 filed January 10, 2003, which claims benefit of 60/396,577 filed July 16, 2002.

This application is a CIP of application number 10/608,742 filed June 27, 2003, which is a CIP of 10/435,420 filed May 9, 2003.

A preliminary amendment filed December 14, 2004 has been entered and made of record.

Claims 1-14 are pending.

Claim Objections

Claims 12 and 14 are objected to because of the following informalities: line 17, "a exact" should be "an exact". An appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Marion (US# 6,073,840) and in view of Harris et al. (US# 6,331,972).

Referring to claims 1, 10 and 13, Marion disclose a method for facilitating a private label

account transaction using data sets stored on a Radio Frequency operable transaction device (66)

(i.e. a personal transponder) (column 5 line 60 to column 6 line 67; see Figures 1 to 3), the

method comprising the steps of:

providing a radio frequency transaction device (66) responsive to a radio frequency

interrogation signal (column 12 lines 6 to 43; see Figures 3-6 and 23 to 25),

facilitating adding to said database (154) (i.e. a memory of an interrogator), said private

label account provider (276) (i.e. a local ledger) owned data set (i.e. transaction data) (column 4

lines 51 to column 5 line 59; column 35 line 40 to column 36 line 62; see Figures 1, 5 and 23-25)

and

wherein said transaction device (66) is operable to provide said data set (i.e. ledger information in a memory 126) via radio frequency communication for completion of a private label transaction (column 4 lines 51 to column 5 line 59; see Figures 1-5), and

wherein a portion of said data set (i.e. ledger information in a memory 126) facilitates the completion of a private label transaction (column 35 line 40 to column 36 to 62; see Figures 10-11 and 23-26).

However, Marion did not explicitly disclose said transaction device including a database configured for storing a data set owned by a private label account provider;

In the same field of endeavor of a personal data communication system, Harris et al. teach that transaction device (20) (i.e. a personal data storage and transaction device or a peer) including a database (52) (i.e. a personal data in memory 42) configured for storing a data set (i.e. ID codes, passwords, PINs and etc.) owned by a private label account provider (i.e. a merchant or financial institutions) (column 20 line 23 to column 26 line 32; see Figure 12-15 and 26-38) in order to provide an electronic personal database in a personal transaction area network system.

One of ordinary skilled in the art recognizes the need to add a personal database in a personal data storage and transaction device of Harris et al. in memory of a personal transponder for communicating with a dispenser electronics system of Marion because Marion suggests it is desired to provide that a personal transponder includes memory to store personal data information to keep a running tally of financial and transactional information (column 8 lines 1 to 35; column 35 line 41 to column 36 line 40) and Harris et al. teach that a personal electronic device includes personalization data in memory for communication to complete a transaction in

order to create a convenient and personalize for user. Therefore, it would have been obvious to a

person of ordinary skill in the art at the time of the invention was made to add a personal

database in a personal data storage and transaction device of Harris et al. in memory of a

personal transponder for communicating with a dispenser electronics system of Marion with the

motivation for doing so would have been to provide more specific personal database for the user.

Referring to Claim 2, Marion in view of Harris et al. disclose a method of claim 1,

Marion discloses including the step of providing said radio frequency transaction device (66)

(i.e. a personal transponder) operable to communicate with a RFID reader (52 or 54) (i.e. an

interrogator of a dispenser control system 80) via said RF communications, said transaction

device (66) operable to communicate with said RFID reader (54) in response to a RFID reader

(54) provided interrogation signal (column 8 line 64 to column 9 line 41; column 20 line 12 to

58; see Figures 5 and 6).

Referring to Claim 3, Marion in view of Harris et al. disclose a method of claim 2,

Marion discloses wherein said data set (i.e. ledger information in a memory 126) owned by a

private label account provider (i.e. a dispenser control system 80) comprises a private label

account identifier (i.e. identification and authorize) (column 12 line 6 to column 14 line 29; see

Figures 10-11).

Referring to Claim 4, Marion in view of Harris et al. disclose a method of claim 3,

Marion discloses wherein said transaction device (66) is operable to provide said private label

account identifier (i.e. identification and authorize) to said RFID reader (54) (column 12 line 6 to

column 14 line 29; see Figures 4-5 and 10-11).

Referring to Claim 5, Marion in view of Harris et al. disclose a method of claim 4,

Marion discloses wherein said RFID reader (18) (i.e. a dispenser) operable to receive said private

label account identifier (i.e. identification and authorize) in magnetic stripe format (column 7

lines 10 to 22; see Figure 3).

Referring to Claims 6 and 11, Marion in view of Harris et al. disclose a method of claims

1 and 10, Marion discloses wherein said data set is stored on said database (154) (i.e. a memory

of an interrogator) in magnetic stripe format (column 7 lines 10 to 22; see Figure 3).

Referring to Claim 7, Marion in view of Harris et al. disclose a method of claim 1,

Marion discloses further comprising providing a private label transaction account associated with

private label account identifier (i.e. identification and authorize), said private label transaction

account having a value associated with transaction account usage, and wherein said private label

transaction results in a modification of said value of the private label transaction account

(column 12 line 6 to column 15 line 32; see Figures 10 to 11).

Referring to Claim 9, Marion in view of Harris et al. disclose a method of claim 1,

Marion discloses wherein a portion of said data set facilitates the completion of a private label

transaction wherein the transaction includes one of issuing and redeeming loyalty points (column 14 line 30 to column 15 line 32; see Figure 10C).

Allowable Subject Matter

Claim 8, 12 and 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 8, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein said facilitating adding to said database further comprises:

receiving at a service partner an application for a multiple-service transaction device from a consumer, said application comprising fields which include credit application information for a particular credit transaction device and service partner information, said service partner information related at least in part to membership in the service partner establishment;

reviewing said application for fields which include service partner information;

extracting said service partner information from said application for a multiple-service transaction device;

communicating said service partner information to a service partner to determine if said service partner desires to provide access into said service partner establishment and to purchase goods and services from said service partner using said particular credit transaction device;

reviewing said application for fields which include credit application information;

extracting said credit application information from said application for a multiple-service transaction device;

communicating said credit application information to a provider of credit services, said provider of credit services thereafter determining whether it desires to extend credit to the consumer; and

if said provider of credit services desires to extend credit to the consumer, establishing an account associated with said consumer, initiating processing, statementing, billing, accounting, and servicing functions relating to said account and causing a multiple-service transaction device to be sent to the consumer, wherein said multiple-service transaction device is configured for providing a primary party's services and a service partner's services.

Referring to claims 12 and 14, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations said transaction device comprising at least one data storage area configured to store a first data set in a first format and a second data storage area configured to store a second data set in a second format different from said first format, said second data set associated with said second owner and said data storage area configured to store said second data set in said second format independent of said first data set, wherein said first data set is associated with one of a private label transaction account, and a calling card transaction account, and said second data set is associated with one of a private label transaction account, calling card transaction account, and a credit card transaction account.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Chase, Jr. (US# 5,974,238) discloses an automatic data synchronization between a

handheld and a host computer using pseudo cache including tags and logical data elements.

Wood, Jr. et al. (US# 6,144,916) disclose an itinerary monitoring system for storing a

plurality of itinerary data points.

Valdes-Rodriguez (US# 6,339,384) discloses a tool booth credit device.

Holtzman et al. (US# 6,400,272) disclose a wireless transceiver for communicating with

tags.

Goetz et al. (US# 6,421,650) disclose a medication monitoring system and apparatus.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The

examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9306 for regular

communications and 703-872-9314 for After Final communications.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
May 12, 2005

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800